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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,261	01/21/2004	Kia Silverbrook	RRA32US	1037

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BALMAIN, NSW 2041  
AUSTRALIA

EXAMINER

CHOI, HAN S

ART UNIT PAPER NUMBER

2853

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/760,261	Applicant(s) SILVERBROOK, KIA	
	Examiner Han S. Choi	Art Unit 2853	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 9/20/06 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of USSN 10/760186 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. (US 2001/0030675).

Referring to claim 1:

- a housing [1] comprising first [10] and second portions [11] movable relative to each other in [Paragraph 0100, Lines 3-6] shown in Fig. 6.
- a reservoir [14] for storing printing fluid having an outlet [160] arranged to dispense the stored printing fluid to a point external to the housing [1] in response to relative movement of the first [10] and second portions [11] in [Paragraphs 0021 and 0023] and [Paragraph 0104].

- the first [10] and second portions [11] include locking features [105 and 111] arranged to prevent disengagement of said portions relative to each other subsequent to said dispensing, the locking features [105 and 111] being configured to allow disengagement only upon cooperation with an unlocking tool (screwdriver) in [Paragraph 0106] and [Paragraph 0107, Lines 1-4].

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetzer et al. (US Pat. 5,940,103) in view of Yuen (US Pat. 6,799,610) and Mochizuki et al. (US Pat. 6,264,314).

Hetzer et al. discloses the basic elements of the claimed invention. Hetzer et al. teaches a housing [12] comprising first [2] and second portions [11] movable relative to each other shown in Fig. 1. Hetzer et al. teaches a reservoir [1] for storing printing fluid having an outlet [3] arranged to dispense the stored printing fluid to a point external to the housing [12] in response to relative movement of the first [2] and second portions [11] in [Col. 3, Lines 52-59] shown in Fig. 2. Hetzer et al. teaches the first [2] and second portions [12] comprising a base (portions of [11] that is attached to the spring) and a plunger (top portion of [2] attached to the spring) shown in Fig. 1. Hetzer et al.

teaches the first [2] and second portions [11] include locking features, comprising one or more complementary protrusions and indentations [211 and 1421] formed into opposing walls of the base [11] and plunger [2], arranged to prevent disengagement of said portions relative to each other subsequent to said dispensing in [Col. 3, Lines 21-26] shown in Fig. 1. Hetzer et al. does not teach a reservoir comprising a deformable container and allowing disengagement only upon cooperation with an unlocking tool.

Yuen teaches in [Col. 3, Lines 5-9] the apparatus including a deformable ink pouch [16] in [Col. 2, Lines 49-50] that is positioned in the housing so that when first [12] and second [14] housing members move relative to each other or compresses, ink flows from the ink pouch [16].

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the deformable ink pouch [16] of Yuen with the printing fluid dispenser of Hetzer et al. for the purpose of permitting the ink pouch to be essentially flattened when a compression force is exerted on the pouch so substantially all of the ink is forced to exit the pouch in [Col. 4, Lines 56-67].

Mochizuki et al. teaches an unlocking tool (jig or other tool) to disengage the first [6] and second portions [4] which are locked in [Col. 4, Lines 35-45] shown in Fig. 1. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the unlocking tool of Mochizuki et al. with the cartridge of Hetzer et al. for the purpose of assuring that the case and the cover can repeatedly be used in [Col. 2, Lines 25-28].

***Response to Arguments***

6. Applicant's arguments filed 9/20/06 have been fully considered but they are not persuasive.

Applicant's arguments regarding the 35 USC 102b rejection is noted. The application asserts Kobayashi does not teach the first [10] and second [11] portions are not moved relative to each other to dispense ink from the ink cartridge. However, the first [10] portion is attachable to the second [11] portion, in which relative motion is performed by the action. Furthermore, as the first [10] portion is attached to the second [11] portion, a rib [117] underneath the first [10] portion compresses the foam [117] to dispense ink in [Paragraph 0102].

7. Applicant's arguments regarding the 35 USC 103a rejection is noted. The applicant asserts Mochizuki does not teach first and second portions movable relative to each other to dispense ink from the ink cartridge, rather teaching the cover and the case are fixed to each other to form a housing for the ink bag. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Han S. Choi whose telephone number is (571) 272-8350. The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSC  
10/30/06



STEPHEN MEIER  
SUPERVISORY PATENT EXAMINER